

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division

SAMUEL JOSEPH ORLANDO,

Plaintiff

v.

SHERIFF DONALD L. SMITH, ET AL.,

Defendants.

:
:
:
:
:
:
:
:
:
:
:

Case No. 5:22-00062
5:23-cv-12

ANSWER

Defendants, RBN and BN, by and through undersigned counsel, hereby answer the Complaint filed by Samuel Joseph Orlando, and generally deny all allegations of the Complaint other than those specifically admitted herein:

1. The unnumbered Paragraph of the Complaint simply purports to characterize the nature of claims Plaintiff against Defendants, to which no response is required. To the extent a response is required, Defendants RBN and BN deny all allegations in this unnumbered Paragraph.

2. Defendants deny all allegations contained in Paragraph 1, except that search warrant referenced in Paragraph 1 appears to be for the home in which Plaintiff resides.

3. Defendants deny all allegations contained within Paragraph 2.

4. Defendants deny all allegations contained within Paragraph 3.

5. Defendants deny all allegations contained within Paragraph 4.

PARTIES

6. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 5, and on that basis, they deny all allegations contained within Paragraph 5 of the Complaint.

7. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 6, and on that basis, they deny all allegations contained within Paragraph 6 of the Complaint.

8. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 7, and on that basis, they deny all allegations contained within Paragraph 7 of the Complaint.

9. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 8, and on that basis, they deny all allegations contained within Paragraph 8 of the Complaint.

10. Defendants admit that Defendant Donald L. Smith is the elected Sheriff of Augusta County and is a resident of Augusta County. Except as expressly admitted, Defendants deny all other allegations contained in Paragraph 9 of the Complaint.

11. Paragraph 10 is a legal conclusion to which no response is required. To the extent a response is required, Defendants RBN and BN deny all allegations in Paragraph 10 of the Complaint.

12. Defendants admit that Brian Jenkins is an employee of the Sheriff's Office and lack sufficient information as to where Jenkins resides. Except as expressly desired, Defendants deny all other allegations contained within Paragraph 11 of the Complaint.

13. Paragraph 12 is a legal conclusion to which no response is required. To the extent a response is required, Defendants RBN and BN deny all allegations contained in Paragraph 12 of the Complaint.

14. Defendants deny the allegations contained in Paragraph 13 of the Complaint.

15. Defendants deny the allegations contained in Paragraph 14 of the Complaint.

16. Defendants deny the allegations contained in Paragraph 15 of the Complaint.

17. Defendants admit the allegations contained in Paragraph 16 of the Complaint.

18. Defendants deny the allegations contained in Paragraph 17 of the Complaint.

JURISDICTION

19. Paragraph 18 is a legal conclusion to which no response is required. To the extent a response is required, Defendants RBN and BN deny all allegations contained in Paragraph 18 of the Complaint.

20. Paragraph 19 is a legal conclusion to which no response is required. To the extent a response is required, Defendants RBN and BN deny all allegations contained in Paragraph 19 of the Complaint.

21. Paragraph 20 is a legal conclusion to which no response is required. To the extent a response is required, Defendants RBN and BN deny all allegations contained in Paragraph 20 of the Complaint.

22. Paragraph 21 is a legal conclusion to which no response is required. To the extent a response is required, Defendants RBN and BN deny all allegations contained in Paragraph 21 of the Complaint.

23. Paragraph 22 is a legal conclusion to which no response is required. To the extent a response is required, Defendants RBN and BN deny all allegations contained in Paragraph 22 of the Complaint.

VENUE

24. Defendants deny the allegations contained within Paragraph 23.

25. Paragraph 24 is a legal conclusion to which no response is required. To the extent a response is required, Defendants RBN and BN deny all allegations contained in Paragraph 24 of the Complaint.

26. Defendants deny the allegations contained within Paragraph 25, and further that there is no Harrisburg Division of this Court.

FACTS

27. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 26, and on that basis, they deny all allegations contained within Paragraph 26 of the Complaint.

28. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 27, and on that basis, they deny all allegations contained within Paragraph 27 of the Complaint.

29. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 28, and on that basis, they deny all allegations contained within Paragraph 28 of the Complaint.

30. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 29, and on that basis, they deny all allegations contained within Paragraph 29 of the Complaint.

31. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 30, and on that basis, they deny all allegations contained within Paragraph 30 of the Complaint.

32. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 31, and on that basis, they deny all allegations contained within Paragraph 31 of the Complaint.

33. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 32, and on that basis, they deny all allegations contained within Paragraph 32 of the Complaint.

34. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 33, and on that basis, they deny all allegations contained within Paragraph 33 of the Complaint.

35. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 34, and on that basis, they deny all allegations contained within Paragraph 34 of the Complaint.

36. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 35, and on that basis, they deny all allegations contained within Paragraph 35 of the Complaint.

37. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 36, and on that basis, they deny all allegations contained within Paragraph 36 of the Complaint.

38. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 37, and on that basis, they deny all allegations contained within Paragraph 37 of the Complaint.

39. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 38, and on that basis, they deny all allegations contained within Paragraph 38 of the Complaint.

40. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 39, and on that basis, they deny all allegations contained within Paragraph 39 of the Complaint.

41. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 40, and on that basis, they deny all allegations contained within Paragraph 40 of the Complaint.

42. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 41, and on that basis, they deny all allegations contained within Paragraph 41 of the Complaint.

43. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 42, and on that basis, they deny all allegations contained within Paragraph 42 of the Complaint.

44. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 43, and on that basis, they deny all allegations contained within Paragraph 43 of the Complaint.

45. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 44, and on that basis, they deny all allegations contained within Paragraph 44 of the Complaint.

46. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 45, and on that basis, they deny all allegations contained within Paragraph 45 of the Complaint.

47. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 46, and on that basis, they deny all allegations contained within Paragraph 46 of the Complaint.

48. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 47, and on that basis, they deny all allegations contained within Paragraph 48 of the Complaint.

49. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 48, and on that basis, they deny all allegations contained within Paragraph 48 of the Complaint.

50. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 49, and on that basis, they deny all allegations contained within Paragraph 49 of the Complaint.

51. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 50 and on that basis, they deny all allegations contained within Paragraph 50 of the Complaint.

52. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 51, and on that basis, they deny all allegations contained within Paragraph 51 of the Complaint.

53. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 52, and on that basis, they deny all allegations contained within Paragraph 52 of the Complaint.

54. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 53, and on that basis, they deny all allegations contained within Paragraph 53 of the Complaint.

55. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 54, and on that basis, they deny all allegations contained within Paragraph 54 of the Complaint.

56. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 55, and on that basis, they deny all allegations contained within Paragraph 55 of the Complaint.

57. Paragraph 56 is a legal conclusion to which no response is required. To the extent a response is required, Defendants RBN and BN deny all allegations contained in Paragraph 56 of the Complaint.

58. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 57, and on that basis, they deny all allegations contained within Paragraph 57 of the Complaint.

59. Defendants admit the allegations contained in Paragraph 58.

60. Defendants admit the allegations contained in Paragraph 59.

61. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 60, and on that basis, they deny all allegations contained within Paragraph 60 of the Complaint.

62. Defendants deny the allegations contained in Paragraph 61.

63. Defendants deny the allegations contained in Paragraph 62.

64. Defendants deny the allegations contained in Paragraph 63.

65. Defendants deny the allegations contained in Paragraph 64.

66. Defendants deny the allegations contained in Paragraph 65.

67. Defendants deny the allegations contained in Paragraph 66.

68. Defendants deny the allegations contained in Paragraph 67.

69. Defendants deny the allegations contained in Paragraph 68.

70. Defendants deny the allegations contained in Paragraph 69.

71. Defendants deny the allegations contained in Paragraph 70.

72. Defendants deny the allegations contained in Paragraph 71.

73. Defendants deny the allegations contained in Paragraph 72.

74. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 73, and on that basis, they deny all allegations contained within Paragraph 73 of the Complaint.

75. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 74, and on that basis, they deny all allegations contained within Paragraph 74 of the Complaint.

76. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 75, and on that basis, they deny all allegations contained within Paragraph 75 of the Complaint.

77. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 76, and on that basis, they deny all allegations contained within Paragraph 76 of the Complaint.

78. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 77, and on that basis, they deny all allegations contained within Paragraph 77 of the Complaint.

79. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 78, and on that basis, they deny all allegations contained within Paragraph 78 of the Complaint.

80. Defendants deny the allegations contained in Paragraph 79.

81. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 80, and on that basis, they deny all allegations contained within Paragraph 80 of the Complaint, however, such a statement seems to conflict with both Paragraph 79 and Paragraph 4 of the Affidavit of Erik Schneider.

82. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 81, and on that basis, they deny all allegations contained within Paragraph 81.

83. Defendant RBN admits she is a former CFO of Nexus Services, however she denies being “demoted” as her pay was never affected. All other allegations contained in Paragraph 82 are denied.

84. Defendant RBN admits she was terminated by Michael Donovan, however she denies the balance of the allegations contained in Paragraph 83.

85. Defendants deny the allegations contained in Paragraph 84.

86. Defendants deny the allegations contained in Paragraph 85.

87. Defendants deny the allegations contained in Paragraph 86.

88. Defendants deny the allegations contained in Paragraph 87.

89. Defendants deny the allegations contained in Paragraph 88.

90. Defendants deny the allegations contained in Paragraph 89.

91. Defendants deny the allegations contained in Paragraph 90.

92. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 91, and on that basis, they deny all allegations contained within Paragraph 91.

93. Defendants deny the allegations contained in Paragraph 92.

94. Defendants deny the allegations contained in Paragraph 93.

95. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 94, and on that basis, they deny all allegations contained within Paragraph 94.

96. Defendants deny the allegations contained in Paragraph 95.

97. Defendants deny the allegations contained in Paragraph 96.

98. Defendants deny the allegations contained in Paragraph 97.

99. Defendants admit the allegations contained in Paragraph 98.

100. Defendants admit that Donovan paid off the criminal complainant, however, denies the balance of the allegations contained in Paragraph 99.

101. Defendants deny the allegations contained in Paragraph 100.

102. Defendants admit the allegations contained in Paragraph 101.

103. Defendants deny the allegations contained in Paragraph 102.

104. Defendants deny the allegations contained in Paragraph 103.

105. Defendants deny the allegations contained in Paragraph 104.

106. Defendants deny the allegations contained in Paragraph 105.

107. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 106, and on that basis, they deny all allegations contained within Paragraph 106.

108. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 107, and on that basis, they deny all allegations contained within Paragraph 107.

109. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 108, and on that basis, they deny all allegations contained within Paragraph 108.

110. Defendants deny the allegations contained in Paragraph 109.

111. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 110, and on that basis, they deny all allegations contained within Paragraph 110.

112. Defendants deny the allegations contained in Paragraph 111.

113. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 112, and on that basis, they deny all allegations contained within Paragraph 112.

114. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 113, and on that basis, they deny all allegations contained within Paragraph 113.

115. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 114, and on that basis, they deny all allegations contained within Paragraph 114.

116. Defendants deny the allegations contained in Paragraph 115.

117. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 116, and on that basis, they deny all allegations contained within Paragraph 116.

118. Defendants deny that BN's states to Sheriff Smith are false, and lack sufficient information to admit or deny the balance of the allegations contained in Paragraph 117.

119. Defendants deny the allegations contained in Paragraph 118.

120. Defendants deny the allegations contained in Paragraph 119.

121. Defendants admit the allegations contained in Paragraph 120.

122. Defendants deny the allegations contained in Paragraph 121.

123. Defendants deny the allegations contained in Paragraph 122.

124. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 123, and on that basis, they deny all allegations contained within Paragraph 123.

125. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 124, and on that basis, they deny all allegations contained within Paragraph 124.

126. Paragraph 125 is an opinion statement to which no response is required. To the extent a response is required, Defendants RBN and BN deny all allegations contained in Paragraph 125 of the Complaint.

127. Paragraph 126 is an opinion statement to which no response is required. To the extent a response is required, Defendants RBN and BN deny all allegations contained in Paragraph 126 of the Complaint.

128. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 127, and on that basis, they deny all allegations contained within Paragraph 127.

129. Defendants deny the allegations contained in Paragraph 128.

130. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 129, and on that basis, they deny all allegations contained within Paragraph 129.

131. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 130, and on that basis, they deny all allegations contained within Paragraph 130.

132. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 131, and on that basis, they deny all allegations contained within Paragraph 131.

133. Paragraph 132 is an opinion statement to which no response is required. To the extent a response is required, Defendants RBN and BN deny all allegations contained in Paragraph 132 of the Complaint.

134. Defendants admit the allegations contained in Paragraph 133.

135. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 134, and on that basis, they deny all allegations contained within Paragraph 134.

136. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 135, and on that basis, they deny all allegations contained within Paragraph 135.

137. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 136, and on that basis, they deny all allegations contained within Paragraph 136.

138. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 137, and on that basis, they deny all allegations contained within Paragraph 137.

139. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 138, and on that basis, they deny all allegations contained within Paragraph 138.

140. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 139, and on that basis, they deny all allegations contained within Paragraph 139.

141. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 140, and on that basis, they deny all allegations contained within Paragraph 140.

142. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 141, and on that basis, they deny all allegations contained within Paragraph 141.

143. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 142, and on that basis, they deny all allegations contained within Paragraph 142.

144. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 143, and on that basis, they deny all allegations contained within Paragraph 143.

145. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 144, and on that basis, they deny all allegations contained within Paragraph 144.

146. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 145, and on that basis, they deny all allegations contained within Paragraph 145.

147. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 146, and on that basis, they deny all allegations contained within Paragraph 146.

148. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 147, and on that basis, they deny all allegations contained within Paragraph 147.

149. The Search Warrant referenced and language contained therein speaks for itself and no response is required. To the extent any response is required, Defendants deny the allegations contained in Paragraph 148.

150. The Search Warrant referenced and language contained therein speaks for itself and no response is required. To the extent any response is required, Defendants deny the allegations contained in Paragraph 149.

151. The Search Warrant referenced and language contained therein speaks for itself and no response is required. To the extent any response is required, Defendants deny the allegations contained in Paragraph 150.

152. The Search Warrant referenced and language contained therein speaks for itself and no response is required. To the extent any response is required, Defendants deny the allegations contained in Paragraph 151.

153. The Search Warrant referenced and language contained therein speaks for itself and no response is required. To the extent any response is required, Defendants deny the allegations contained in Paragraph 152.

154. The Search Warrant referenced and language contained therein speaks for itself and no response is required. To the extent any response is required, Defendants deny the allegations contained in Paragraph 153.

155. The Search Warrant referenced and language contained therein speaks for itself and no response is required. To the extent any response is required, Defendants deny the allegations contained in Paragraph 154.

156. The Search Warrant referenced and language contained therein speaks for itself and no response is required. To the extent any response is required, Defendants deny the allegations contained in Paragraph 155.

157. The Search Warrant referenced and language contained therein speaks for itself and no response is required. To the extent any response is required, Defendants deny the allegations contained in Paragraph 156.

158. The Search Warrant referenced and language contained therein speaks for itself and no response is required. To the extent any response is required, Defendants deny the allegations contained in Paragraph 157.

159. The Search Warrant referenced and language contained therein speaks for itself and no response is required. To the extent any response is required, Defendants deny the allegations contained in Paragraph 158.

160. The Search Warrant referenced and language contained therein speaks for itself and no response is required. To the extent any response is required, Defendants deny the allegations contained in Paragraph 159.

161. The Search Warrant referenced and language contained therein speaks for itself and no response is required. To the extent any response is required, Defendants deny the allegations contained in Paragraph 160.

162. The Search Warrant referenced and language contained therein speaks for itself and no response is required. To the extent any response is required, Defendants deny the allegations contained in Paragraph 161.

163. The Search Warrant referenced and language contained therein speaks for itself and no response is required. To the extent any response is required, Defendants deny the allegations contained in Paragraph 162.

164. The Search Warrant referenced and language contained therein speaks for itself and no response is required. To the extent any response is required, Defendants deny the allegations contained in Paragraph 163.

165. The Search Warrant referenced and language contained therein speaks for itself and no response is required. To the extent any response is required, Defendants deny the allegations contained in Paragraph 164.

166. The Search Warrant referenced and language contained therein speaks for itself and no response is required. To the extent any response is required, Defendants deny the allegations contained in Paragraph 165.

167. The Search Warrant referenced and language contained therein speaks for itself and no response is required. To the extent any response is required, Defendants deny the allegations contained in Paragraph 166.

168. The Search Warrant referenced and language contained therein speaks for itself and no response is required. To the extent any response is required, Defendants deny the allegations contained in Paragraph 167.

169. The Search Warrant referenced and language contained therein speaks for itself and no response is required. To the extent any response is required, Defendants deny the allegations contained in Paragraph 168.

170. The Search Warrant referenced and language contained therein speaks for itself and no response is required. To the extent any response is required, Defendants deny the allegations contained in Paragraph 169.

171. The Search Warrant referenced and language contained therein speaks for itself and no response is required. To the extent any response is required, Defendants deny the allegations contained in Paragraph 170.

172. The Search Warrant referenced and language contained therein speaks for itself and no response is required. To the extent any response is required, Defendants deny the allegations contained in Paragraph 171.

173. The Search Warrant referenced and language contained therein speaks for itself and no response is required. To the extent any response is required, Defendants deny the allegations contained in Paragraph 172.

A. The Search Warrant referenced and language contained therein speaks for itself and no response is required. To the extent any response is required, Defendants deny the allegations contained in Paragraph 172(A).

174. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 173, and on that basis, they deny all allegations contained within Paragraph 173.

175. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 174, and on that basis, they deny all allegations contained within Paragraph 174.

176. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 175, and on that basis, they deny all allegations contained within Paragraph 175.

177. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 176, and on that basis, they deny all allegations contained within Paragraph 176.

178. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 177, and on that basis, they deny all allegations contained within Paragraph 177.

179. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 178, and on that basis, they deny all allegations contained within Paragraph 178.

180. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 179, and on that basis, they deny all allegations contained within Paragraph 179.

181. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 180, and on that basis, they deny all allegations contained within Paragraph 180.

182. Defendants lack sufficient information to admit or deny the allegations contained within Paragraph 181, and on that basis, they deny all allegations contained within Paragraph 181.

183. Defendants admit the allegations contained in Paragraph 182.

COUNT I
(Against the Government Defendants)
Violation of Civil Rights — Unreasonable Detention
(42 USC § 1983)

184. Defendants file no responses to Paragraphs 183 to 189, however if responses are required, Defendants deny all allegations contained within those paragraphs.

COUNT II
(Against the Government Defendants)
Violation of Civil Rights — Seizure Based on Insufficient Probable Cause
(42 USC § 1983)

185. Defendants file no responses to Paragraphs 190 to 194, however if responses are required, Defendants deny all allegations contained within those paragraphs.

COUNT III
(Against the Government Defendants)
Violation of Civil Rights — Retaliation for Political Speech
(42 USC § 1983)

186. Defendants file no responses to Paragraphs 195 to 200, however if responses are required, Defendants deny all allegations contained within those paragraphs.

COUNT VII
(Against the Government Defendants)

**Disclosure of juvenile criminal investigative files
(§ 9.1-135 of the Code of Virginia)**

187. Defendants file no responses to Paragraphs 224 to 231, however if responses are required, Defendants deny all allegations contained within those paragraphs.

**COUNT VIII
(Against all Defendants)
Conspiracy to deprive citizen of Fourth Amendment protections
(42 USC § 1983)**

188. Defendants deny all allegations contained within Paragraphs 232-242.

COUNT X
(Against Defendant Smith and the “N” Defendants)
Intentional Infliction of Emotional Distress
(Virginia Common Law Tort Claim)

189. Defendants deny all allegations contained within Paragraphs 248-252.

COUNT XI
(Against Defendants Smith, Jenkins, and RN)
Negligent Infliction of Emotional Distress
(Virginia Common Law Tort Claim)

190. Defendants deny all allegations contained within Paragraphs 253-261.

COUNT XII
(Against Defendant Smith and the “N” Defendants)
Punitive Damages
(42 USC § 1983 and Virginia Common Law)

191. Defendants deny all allegations contained within Paragraphs 262-265.

COUNT XIII
(Against Defendant Smith)
Defamation Per Se
(Virginia Common Law)

192. Defendants deny all allegations contained within Paragraphs 266-284.

COUNT XIV
(Against Defendants Smith and Jenkins)
Civil Conspiracy
(§ 18.2-500 of the Code of Virginia)

193. Defendants file no responses to Paragraphs 285 to 290, however if responses are required, Defendants deny all allegations contained within those paragraphs.

WHEREFORE, having fully answered the Complaint filed against then in this matter, Defendants RBN and BN respectfully requests that the Court enter an Order dismissing the Complaint and awarding such other and further relief as the Court deems just and proper.

TRIAL BY JURY IS DEMANDED.

DATED: 15 FEBRUARY 2023

Respectfully Submitted,

/s/ Bradley Glenn Pollack (VSB #25290)

Bradley B. Pollack

Attorney at Law

440 North Main Street

Woodstock, Virginia 22664-1127

(540) 459-8600

bgpollack@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2023, I have electronically filed this document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Christopher M. Okay, Esquire
117 South Lewis Street, Suite 218
Staunton VA 24401
Attorney for Plaintiff

Rosalie Pemberton Fessier
Brittany E. Shipley
TimberlakeSmith
25 North Central Avenue
P. O. Box 108
Staunton, VA 24402-0108
Attorneys for Defendants Smith and Jenkins

/s/ Bradley Glenn Pollack (VSB #25290)

Bradley G. Pollack, Attorney at Law

440 North Main Street

Woodstock, VA 22664-1127

540-459-8600

bgpollack@gmail.com